

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

THE AMERICAN AUTOMOBILE  
ASSOCIATION, INC.,

Plaintiff,

v.

AAA LOGISTICS, INC.,

Defendant.

Case No. 18-CV-06040-FPG

**NOTICE OF MOTION FOR DEFAULT JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the Declaration of Rebecca B. Dalton, dated March 15, 2018 (with Exhibits 1-9), the Declaration of James G. Brehm, dated March 19, 2018, the Declaration of Neil K. Roman in Support of Plaintiff's Request for Attorneys' Fees, dated March 15, 2018 (with Exhibit A), the Declaration of Robert J. Fluskey, Jr. in Support of Plaintiff's Request for Attorneys' Fees, dated March 21, 2018 (with Exhibit A), Plaintiff's Memorandum of Law in Support of Motion for Default Judgment, dated March 21, 2018, the Complaint filed on January 12, 2018, and all prior proceedings and filings in this action, Plaintiff The American Automobile Association, Inc. ("AAA" or "Plaintiff") will move this Court, located at U.S. Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court, for entry of a **judgment by default** against Defendant AAA Logistics, Inc. ("AAA Logistics" or "Defendant") pursuant to Federal Rule of Civil Procedure 55(b)(2) and an award of costs and attorneys' fees in the amount of \$5,838.90.

Absent an Order from the Court, pursuant to Western District of New York Local Rule of Civil Procedure 7(b)(2)(B), the opposing party has fourteen (14) days after service of the motion to file and serve responding papers, and the moving party shall have seven (7) days after service of the responding papers to file and serve reply papers. AAA intends to file reply papers if an opposition is filed.

As grounds for this motion, AAA states as follows:

1. The Complaint in this action was filed on January 12, 2018.
2. The Summons and Complaint were served on Defendant on January 25, 2018.
3. No answer or other defense has been filed by Defendant.
4. Pursuant to Federal Rule of Civil Procedure 55(a), the Clerk of the Court entered default against Defendant on February 22, 2018. The Clerk's Entry of Default was filed on the docket on February 23, 2018. *See* Docket No. 5.
5. On information and belief, Defendant is not an infant or incompetent person or in military service or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act of 1940.
6. Because the defaulting Defendant has failed to appear or plead, the Court should enter a judgment by default on each of the counts in the Complaint and award the relief requested by Plaintiff, as set forth in the accompanying Memorandum of Law.

Dated: March 21, 2018

**HODGSON RUSS LLP**

*Attorneys for Plaintiff*

By: s/ Robert J. Fluskey, Jr.

Robert J. Fluskey, Jr.

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